

**DETAILED ACTION**

1. Claims 1, 5, 8-11, 17, 18, 21-23, 25, 32, 33, and 36 are allowed. Claims 3, 4, 6, 7, 12-15, 19, 20, 26-30, 34, 35, and 38 have been canceled in applicant's amendment filed 27 February 2009. Claims 2, 16, 24, 31, and 37 have been canceled in applicant's amendment filed 16 September 2009.

***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 16 September 2009 has been entered.

***Examiner's Amendment***

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Seth Kim (Reg. # 54,577) on 04 December 2009.

The application has been amended as follows:

In claim 1, lines 5 and 6: "if the defective area within a data area of the recording medium is detected" has been changed to --if the defective area is detected within a data area of the recording medium--;

In claim 1, line 9: "in the spare area" has been changed to --in the at least one spare area--;

In claim 36, line 8: "if the defective area within a data area is of the recording medium detected" has been changed to --if the defective area is detected within a data area of the recording medium--; and

In claim 36, line 10: "in the spare area" has been changed to --in the at least one spare area--.

***Allowable Subject Matter***

4. Claims 1, 5, 8-11, 17, 18, 21-23, 25, 32, 33, and 36 are allowed.
5. The following is an examiner's statement of reasons for allowance: the prior art of record, either alone or in combination, fails to teach or fairly suggest, in claims 1, 21, and 36, where defect management information in a temporary defect management area includes location information indicating a next available address of a spare area, temporary defect list information, and temporary disc structure information, and where the temporary defect list information includes a defect list terminator which indicates a termination of temporary defect list information, in combination with the remaining limitations of each claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Relevant Prior Art***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - a. Takahashi et al (US Patent Application Publication 2003/0179669) disclose a recording medium having a defect list terminator indicating the termination of defect list entries (see at least element 126 in figure 1).

***Closing Remarks/Comments***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Danielsen whose telephone number is (571)272-4248. The examiner can normally be reached on Monday-Friday, 9:00 AM - 5:00 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, A.L. Wellington can be reached on (571) 272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Andrea L Wellington/  
Supervisory Patent Examiner, Art Unit  
2627

/ND/  
12/04/2009